

The complaint

The estate of Ms W says Barclays Bank UK PLC didn't follow its bereavement processes regarding the late Ms W's accounts and that these actions led to losses.

The estate's represented in this complaint by its two executors. To avoid confusion, I'll mainly refer to the estate in this decision unless it's helpful to refer specifically to the executors either jointly or individually.

What happened

The estate notified Barclays in April 2021 that Ms W had recently died. Due to an administrative error by Barclays, its bereavement processes weren't followed on all accounts associated with Ms W.

Following a complaint by the estate, effectively saying the error had led to financial losses, Barclays issued final responses in March and October 2021. It apologised for the mistakes it had made and offered £75 as compensation.

Unhappy with Barclays' response, the estate brought a complaint to this service. An investigator looked into the complaint and recommended that it should be upheld. They asked Barclays to increase its offer of compensation to £400 and to cover all costs incurred because of the error. I should say that Barclays had already agreed to consider payment of the latter, subject to receipt of further information, when it sent us its complaint file.

Both the estate and Barclays accepted the investigator's findings which, on the face of it, brought this service's involvement to an end and meant further negotiations were needed between the parties outside of our process. However, when the estate confirmed it remained unhappy with Barclays' consideration of the costs it was claiming, a second investigator looked at the complaint again following the departure of the first. This investigator found that we could only look at any costs incurred by the estate as a result of Barclays' errors, not any losses incurred by the executors personally. They believed the evidence provided by the estate related to the latter. The investigator confirmed that the aspect of the complaint for which £400 was payable was now resolved.

Because the estate didn't agree with the second investigator's findings, the complaint was passed to me to review afresh.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Losses incurred by the estate

There are two ways in which this service might attempt to consider this complaint. The first is to consider it as being brought by the estate of Ms W. Given the nature of the complaint and the relevant circumstances, I think it appropriate for us to set up the complaint in this way,

and that's what we've done.

In this scenario, we'd be limited to considering the actions of Barclays in relation to the estate as well as any losses incurred by the estate as a result of those actions. The estate isn't an individual and isn't capable of suffering distress or upset. So, we can't fairly ask Barclays to compensate for such losses.

It is possible, on the other hand, for an estate to experience inconvenience. There's no dispute that the errors made by Barclays in this case have put the estate to trouble. For that, Barclays initially offered to pay £75 as compensation. It then agreed to the first investigator's recommendation that this be increased to £400 in total. This is a significant amount of compensation relative to most complaints of this type we see.

In the circumstances of this case, including the period over which the events took place and extra work this generated for the estate, I'm satisfied that the revised amount of £400 in total is more than fair to put things right for this aspect. So, I don't require Barclays to pay any more in this regard.

The other element of the complaint concerns the financial losses – as opposed to the non-financial losses mentioned above – incurred because of Barclays' errors.

I thank the executors for the information they've provided in this regard. It's proved helpful in shedding light on the nature of the costs being claimed for. For example, I can see that we have copies of bank statements indicating payments made to a mortgage lender and for water utilities.

As Barclays has pointed out, the account is in the name of one of the executors – not Ms W's estate. That being the case, I can't fairly say that those losses were incurred by the estate or that Barclays should do something now to put things right for the estate in that regard. It's open for the executors to contact the organisations that have collected those payments to seek reimbursement, if they haven't already done so.

If the estate's able to provide Barclays with evidence of financial losses incurred by the estate as a result of its errors then Barclays should consider it as previously agreed.

Losses incurred by one, or both, of the executors

The second approach to considering the complaint would be for me to attempt to look at the losses incurred by the executors of the estate personally, rather than the estate itself.

I gather this would be the preference of the executors based on their complaint submissions. For example, in an email from one of the executors dated 21 October 2023 they say, among other things:

*'I am the consumer in this complaint. The cumulative result of Barclays' failings negatively impacted on **my personal finances** – not the estate.'*

I appreciate that the executor thinks this service should be able to look at the complaint in that way, but I don't believe we can. That's because this service isn't able to look at all the complaints it receives. The regulator, the Financial Conduct Authority (FCA), has set out rules which specify what complaints we have the power to look into. These rules are set out in the Dispute Resolution ("DISP") section of the FCA's handbook.

The rules explain that in order to be a complaint we can consider, a number of requirements must be satisfied. One of these is that the party bringing it must be an '*eligible complainant*'

as defined in DISP 2.7. DISP 2.7.6R explains that a person '*must also have a complaint which arises from matters relevant to one or more of the following relationships with the respondent*'. The respondent in this case is Barclays. The relationships relevant in this case are:

- DISP 2.7.6R (1) the complainant is (or was) a customer, payment service user or electronic money holder of the respondent.

In my opinion, the executors weren't customers of Barclays with reference to the accounts in question (those belonging to Ms W). Their complaint is, in essence, that Barclays has mistreated them personally and negatively impacted their personal finances. However, the service provided that's led to the complaint was provided to the late Ms W's estate – not the executors. Barclays' customer for our purposes was Ms W and then, following her death, her estate.

So, in this scenario this wouldn't be a complaint about a financial service that Barclays was providing to the executors as its customers. And this means that the executors aren't eligible complainants in their own right under DISP 2.7.6R (1). I can't see that any other types of relationship listed in the rules would apply to this particular situation.

I realise that the executors may also be unhappy with the actions of other organisations such as the mortgage lender and utilities provider. But this complaint's about Barclays and, as such, I can't consider those aspects in this decision.

Putting things right

Barclays has, I gather, already paid £400 as compensation. It should also consider payment of any financial losses incurred by the estate as a result of its errors, subject to the receipt of supporting information and evidence.

My final decision

For the reasons given, my final decision is that – as things stand – Barclays Bank UK PLC's not required to do any more than it already has in response to this complaint. But if further information and evidence is provided regarding the estate's losses these should be considered by Barclays Bank UK PLC as it's done to date.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Ms W to accept or reject my decision before 8 December 2023.

Nimish Patel
Ombudsman